

### REMARKS

The Examiner objected to the specification because of informalities; rejected claims 1, 3/1, 4/3/1, 5/3/1, 6/5/3/1, 7/1, 8, 10/8, 11/10/8, 12/11/10/8, 13/10/8, and 14/8 under 35 U.S.C. § 112 ¶ 1 as being based on a disclosure which is not enabling; rejected claims 1 and 8 under 35 U.S.C. § 102(a) as being anticipated by the admitted prior art of the present application (hereinafter “APA”); rejected claims 2 and 9 under 35 U.S.C. § 103(a) as being unpatentable over the APA in view of Cordell (U.S. Patent No. 4,756,011); rejected claims 3/1 and 10/8 under 35 U.S.C. § 103(a) as being unpatentable over the APA as applied to claims 1 and 8, and further in view of Touzni et al. (U.S. Patent No. 7,031,405) (hereinafter “Touzni”); rejected claims 3/2 and 10/9 under 35 U.S.C. § 103(a) as being unpatentable over the APA as applied to claims 2 and 9, and further in view of Touzni; objected to claims 4-7 and 11-14 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims.

Applicant amends the specification; cancels claims 1 and 8; amends claims 2, 3, 7, 9, 10, and 14. Claims 2-7 and 9-14 are pending in the application.

#### Objection to the Specification

The Examiner objected to the specification because of informalities. Specifically, the Examiner writes that on page 11, line 8, “18” should be changed to “20.” “18” is an obvious typographical error because it is inconsistent with Figure 15 and the text of page 11, line 6. Applicant amends the specification accordingly. No new matter has been added.

#### Rejection of Claims under 35 U.S.C. § 112 ¶ 1

The Examiner rejected claims 1, 3/1, 4/3/1, 5/3/1, 6/5/3/1, 7/1, 8, 10/8, 11/10/8, 12/11/10/8, 13/10/8, and 14/8 under 35 U.S.C. § 112 ¶ 1 as being based on a disclosure which is not enabling.

Applicant cancels claim 1; amends claim 2 to put it into independent form including all of the limitations of now cancelled claim 1 from which it previously depended; amends claims 3 and 7 so that they depend only singularly from claim 2 and not claim 1. Similarly, Applicant cancels claim 8; amends claim 9 to put it into independent form including all of the limitations of

now cancelled claim 8 from which it previously depended; amends claims 10 and 14 so that they depend only singularly from claim 9 and not claim 8.

Therefore, the rejection of claims 1, 3/1, 4/3/1, 5/3/1, 6/5/3/1, 7/1, 8, 10/8, 11/10/8, 12/11/10/8, 13/10/8, and 14/8 under 35 U.S.C. § 112 ¶ 1 is moot.

Rejection of Claims 1 and 8 under 35 U.S.C. § 102(a)

The Examiner rejected claims 1 and 8 under 35 U.S.C. § 102(a) as being anticipated by the APA. The rejection is moot because claims 1 and 8 have been cancelled, as discussed above in regard to the rejection under 35 U.S.C. § 112 ¶ 1.

Rejection of Claims 2 and 9 under 35 U.S.C. § 103(a)

The Examiner rejected claims 2 and 9 under 35 U.S.C. § 103(a) as being unpatentable over the APA in view of Cordell. Applicant traverses.

Regarding claims 2 and 9, given that the APA samples an analog signal whereas Cordell samples, and indeed requires, a binary signal, i.e., a signal having only logical “1’s” and “0’s” (column 2, lines 3-24), any combination of the APA and Cordell would necessarily change Cordell’s principle of operation. Thus, the teachings of the APA and Cordell are not sufficient to render claims 2 and 9 *prima facie* obvious. See MPEP § 2143.02(VI), citing *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”).

Furthermore, neither the APA nor Cordell nor their combination describes “means for displaying the pseudo-symbols” or “displaying the pseudo-symbols” as discussed in Applicant’s previous response. The APA teaches displaying symbols representing “instants corresponding to the instants at which the decision circuitry of a digital radio receiver carries out its sampling operation.” (column 3, lines 65-67 of U.S. Patent No. 4,825,449 to McKissock, as discussed in Applicant’s response dated April 10, 2007 and cited in the specification at page 3, line 16) Thus, the APA teaches away from displaying symbols representing instants when the decision circuitry of a digital radio receiver would not sample, such as Cordell’s instants. Cordell doesn’t teach displaying anything at all. Therefore, even if, for the sake of argument, combining Cordell’s timing alignment device with the APA improves the APA’s timing accuracy (Cordell, column 1,

lines 58-66), nothing in the combination teaches displaying symbols representing Cordell's anti-phase samples.

For these reasons, claims 2 and 9 are not rendered obvious by a combination of the APA and Cordell. Accordingly, Applicant requests that the rejection of claims 2 and 9 under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claims 3/1 and 10/8 under 35 U.S.C. § 103(a)

The Examiner rejected claims 3/1 and 10/8 under 35 U.S.C. § 103(a) as being unpatentable over the APA as applied to claims 1 and 8, and further in view of Touzni. The rejection is moot because claims 3 and 10 have been amended so that they no longer depend from claims 1 and 8, as discussed above in regard to the rejection under 35 U.S.C. § 112 ¶ 1.

Applicant notes that in the outstanding office action, the Examiner refers to "claim 10/1." Applicant takes this to be a typographical error because claim 10 does not depend from claim 1. Instead, Applicant believes that the Examiner intended to write "claim 10/8" and responds accordingly.

Rejection of Claims 3/2 and 10/9 under 35 U.S.C. § 103(a)

The Examiner rejected claims 3/2 and 10/9 under 35 U.S.C. § 103(a) as being unpatentable over the APA as applied to claims 2 and 9, and further in view of Touzni. Applicant traverses.

Claims 3/2 and 10/9 are allowable because they depend from claims 2 and 9, which are allowable as discussed above regarding the rejection of claims 2 and 9 under 35 U.S.C. § 103(a). Accordingly, Applicant requests that the rejection of claims 3/2 and 10/9 under 35 U.S.C. § 103(a) be withdrawn.

Applicant notes that in the outstanding office action, the Examiner refers to "claim 10/2." Applicant takes this to be a typographical error because claim 10 does not depend from claim 2. Instead, Applicant believes that the Examiner intended to write "claim 10/9" and responds accordingly.

Objection to Claims 4-6 and 11-13

The Examiner objected to claims 4-7 and 11-14 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims. Applicant submits that claims 4-7 and 11-14 are allowable in their present form because they depend from claims 2 and 9 respectively, both of which are allowable for the reasons discussed above. Accordingly, Applicant requests that the objection to claims 4-7 and 11-14 be withdrawn.

Conclusion

In view of the foregoing remarks, allowance of claims 2-7 and 9-14 is urged, and such action and the issuance of this case are requested.

Respectfully submitted,  
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